

SOURCE: 59 FR 21672, Apr. 26, 1994, unless otherwise noted.

§ 542.1 Procedures for selecting new lines that are likely to have high or low theft rates.

(a) *Scope.* This section sets forth the procedures for motor vehicle manufacturers and NHTSA to follow in the determination of whether any new vehicle line is likely to have a theft rate above or below the median theft rate.

(b) *Application.* These procedures apply to each manufacturer that plans to introduce a new line into commerce in the United States on or after April 24, 1986, and to each of those new lines.

(c) *Procedures.* (1)(i) For each new line introduced before the 1997 model year, each manufacturer uses the criteria in appendix C of part 541 of this chapter to evaluate each new line and to conclude whether the new line is likely to have a theft rate above or below the median theft rate established for calendar years 1990 and 1991.

(ii) For each new line to be introduced for the 1997 or subsequent model years, each manufacturer shall use the criteria in appendix C of part 541 of this chapter to evaluate each new line and to conclude whether the new line is likely to have a theft rate above or below the median theft rate.

(2)(i) For each new line to be introduced before the 1997 model year, the manufacturer submits its evaluations and conclusions made under paragraph (c)(1)(i) of this section, together with the underlying factual information, to NHTSA not less than 18 months before the date of introduction. The manufacturer may request a meeting with the agency to further explain the bases for its evaluations and conclusions.

(ii) For each new line to be introduced for the 1997 or subsequent model years, the manufacturer shall submit its evaluations and conclusions made under paragraph (c)(1)(ii) of this section, together with the underlying factual information, to NHTSA not less than 15 months before the date of introduction. The manufacturer may request a meeting with the agency during this period to further explain the bases for its evaluations and conclusions.

(3) Within 90 days after its receipt of the manufacturer's submission under

paragraph (c)(2) of this section, the agency independently evaluates the new line using the criteria in appendix C of part 541 of this chapter and, on a preliminary basis, determines whether the new line should or should not be subject to § 541.2 of this chapter. NHTSA informs the manufacturer by letter of the agency's evaluations and determinations, together with the factual information considered by the agency in making them.

(4) The manufacturer may request the agency to reconsider any of its preliminary determinations made under paragraph (c)(3) of this section. The manufacturer shall submit its request to the agency within 30 days of its receipt of the letter under paragraph (c)(3) of this section. The request shall include the facts and arguments underlying the manufacturer's objections to the agency's preliminary determinations. During this 30-day period, the manufacturer may also request a meeting with the agency to discuss those objections.

(5) Each of the agency's preliminary determinations under paragraph (c)(3) of this section shall become final 45 days after the agency sends the letter specified in paragraph (c)(3) of this section unless a request for reconsideration has been received in accordance with paragraph (c)(4) of this section. If such a request has been received, the agency makes its final determinations within 60 days of its receipt of the request. NHTSA informs the manufacturer by letter of those determinations and its response to the request for reconsideration.

§ 542.2 Procedures for selecting low theft new lines with a majority of major parts interchangeable with those of a high theft line.

(a) *Scope.* This section sets forth the procedures for motor vehicle manufacturers and NHTSA to follow in the determination of whether any new lines that will be likely to have a low theft rate have major parts interchangeable with a majority of the covered major parts of a line having or likely to have a high theft rate.

(b) *Application.* These procedures apply to: